IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No.4036 of 2006

Date of decision : 15.9.2006.

Leena Dutta.

.....Petitioner.

Versus

Gurnam Singh and others.

.....Respondents.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr.Sandeep Arora , Advocate
for the petitioner.

Mr.R.S.Bajaj, Advocate
for respondents.

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VINOD K. SHARMA,J.(ORAL)

The present revision petition has been filed against the orders dated 5.10.2005 passed by the learned Civil Judge (Jr.Divn.), Jalandhar vide which the evidence of the petitioner has been closed by Court order.

It is not in dispute that an injunction order was passed in favour of the petitioner under Order 39 Rules 1 & 2 C.P.C. against which respondent herein filed an appeal and on the statement of the appellant the appeal was ordered to be dismissed as withdrawn with specific direction that the petitioner would complete his entire evidence on two dates. Accordingly she got herself examined on 16.9.2005 and thereafter the case was adjourned to 5.10.2005. On said date she produced three witnesses, who were subjected to cross-examination also. However, she refused to close her evidence.

The learned counsel for the petitioner prays for one opportunity to lead her entire evidence. This prayer on equity should have been accepted but in the present case, it is noticed that order dated 5.10.2005 was challenged by the petitioner only on 29.7.2006 during this period the defendant-respondent had already led evidence.

In this view of delay, no ground is made out to interfere in the impugned order below under Article 227 of the Constitution of India, when respondent has already led most of evidence.

Dismissed.

September 15,2006 **(VINOD K. SHARMA)**
'sp' **JUDGE**